IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

Bail Appl..No. 3562 of 2007()

CRMP.639/2007 of DISTRICT COURT, KALPETTA
CRIME NO.231/07 OF SULTHAN BATHERY POLICE STATION

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: PETITIONERS/ACCUSED

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1. P.U.JOSE, S/O.ULAHNNAN, AGED 35 YEARS,
   PULPARAYIL HOUSE, DHOTTAPPANKULAM,
   BEENACHI AMSOM, SULTHAN BATHERY TALUK.

2. SUNIL KUMAR, S/O.SEKHARAN NAIR,
   AGED 31 YEARS, NAYIPULLIYIL HOUSE,
   DHOTTAPPANKULAM, BEENACHI AMSOM,
   SULTHANBATHERY TALUK.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT: COMPLAINANT

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM,
REP.BY SUB ISNEPCTOR OF POLICE,
SULTHANBATHERY, POLICE STATION.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3562 OF 2007 A

Dated this the 14th day of June, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners, who are accused Nos.1 and 2 in Crime No.231/2007 of Sulthan Bathery Police Station for offences punishable under Secs.307 and 120B read with section 34 I.P.C. and sections 3 and 5 of the Explosive Substances Act, seek their enlargement on bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the first accused is a notorious goonda in that area and an accused in 8 other crimes.

3. Having regard to the facts and circumstances of the case, I am not inclined to grant bail to the 1st accused. In the case of the 2nd accused, I am, however, inclined to grant bail but only with effect from a future date. Accordingly, the 2nd accused is directed to be released on bail with effect from 21.6.2007 on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Sulthan Bathery and subject to the following conditions:

> 1. The 2nd petitioner(i.e., 2nd accused) shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The 2nd petitioner(i.e., 2nd accused) make himself available for interrogation as and when required by the police till the filing of the final report.

3. The 2nd petitioner(i.e., 2nd accused) not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The 2nd petitioner(i.e., 2nd accused) not commit any offence while on bail.

If the 2nd petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

In the result, this application is allowed in part granting bail to the 2nd accused but rejecting the request of the first accused for bail.

(V. RAMKUMAR, JUDGE)

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